

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-1265V

UNPUBLISHED

WILLIAM DORRIS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: December 27, 2019

Special Processing Unit (SPU);
Ruling on Entitlement; Influenza (Flu)
Vaccine; Shoulder Injury Related to
Vaccine Administration (SIRVA)

Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for petitioner.

Jeffrey T. Sprague, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

On August 21, 2018, William Dorris filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that he suffered shoulder injuries related to vaccine administration (“SIRVA”) as a result of an influenza (“flu”) vaccine he received on October 25, 2017. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On November 13, 2019, I issued a finding of fact determining that Petitioner's October 25, 2017 flu vaccine was administered intramuscularly into his left deltoid. Finding of Fact, issued Nov. 13, 2019 (ECF No. 24).

On December 23, 2019, Respondent filed his Rule 4(c) report (ECF No. 25). In the Rule 4(c) report, Respondent states that he accepts my fact ruling as law of the case for purposes of further proceedings. Rule 4(c) report at 6. Respondent concludes:

In light of the Chief Special Master's fact ruling, and medical record evidence submitted in this case, it is concluded that petitioner suffered a Table SIRVA injury. In addition, petitioner suffered the residual effects of his condition for more than six months. 42 U.S.C. § 300aa-11(c)(1)(D)(i). Therefore, based on the record as it now stands and subject to his right to appeal the Finding of Fact and Conclusions of Law, respondent does not dispute that petitioner has satisfied all legal prerequisites for compensation under the Act. See 42 U.S.C. § 300aa-13.

Respondent's Rule 4(c) report at 6.

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master